IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1758 OF 2004
IN
CRIMINAL APPEAL NO. 222 OF 2004

1. Ishwar Piraji Kalpatri & Anr. ...Applicant.

V/s

The State of Maharashtra ...Respondent.

Ms. Varsha Palav for the applicant.

Mr. A.M. Shringarpure, APP for the State.

CORAM: V.M.KANADE,J.

DATE: 22nd September, 2004

P.C.

1. By this Criminal Application applicant is seeking stay of the Judgment and Order dated 31/12/2002 passed by the Special Judge, Mumbai in Special Case No.18 of 1990.

2. In the present case, applicants are already retired from their services. Applicants are also suffering from various deceases. Applicants have also handed over residential premises where they were residing. Appeal No.222 of 2003 has been admitted and the applicants have been released on bail. Since the Applicants are no longer in service as also passed the age of superannuation, there is no possibility of the

applicants being reinstated in service. Applicants are not seeking employment in any Government or Semi-Government Institution. Considering the advance age of the applicants and the fact that both of them are suffering from various deceases, in my view, this is a fit case where the judgment and order of the Trial Court be stayed pending the hearing and final disposal of the appeal. In view of this, ad-interim order is granted in terms of prayer clause (b) of the Criminal Application No.1758 of 2004.

V.M. KANADE, J.